IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal PIL No.16 of 2006

Dr M Furquan ..Petitioner.

vs

Chairman, Jet Airways(India)Ltd and ors. ..Respondents

Mr K .T. Thomas for petitioner

CORAM: H.S. BEDI, C.J. ,&
V.M.KANADE, J.
DATE: November 30, 2006.

P.C.:-

The petitioner had earlier filed a PIL No.5 of 2006 which was disposed by this court vide order dated 27th September, 2006:

> "By means of this Public Interest Litigation, the petitioner prays for direction for entrustment of the investigation of the case against respondent No.7 to the Central Bureau of Investigation (CBI).
>
> 2. The petitioner has alleged that respondent No. 7 has unwholly nexus with the underworld don Dawood Ibrahim and the said nexus is likely to hamper the national security. According to the petitioner, in the activities in the guise of Jet Airways, respondent No. 7 has been able to procure illegal funding.

3. The investigating machinery sets into motion only after the registration of the First Information Report or the complaint of the commission of crime is made as per the provisions of the Criminal Procedure Code.

4. We asked the counsel for the petitioner as to whether any crime has been registered against respondent No. 7 necessitating investigation. His answer was that the petitioner had made complaint to the Director of CBI. We are afraid, such complaint is no complaint under the Code of Criminal Procedure regarding commission of crime. Since no crime has been registered against respondent No.7 nor any complaint under the Code of Criminal Procedure ;of commission of crime duly lodged wherein respondent No.7 is alleged to be involved, in our view, there is no question of directing CBI to investigate into the aspects alleged in the writ petition. How can there be any investigation when there is no crime registered against respondent No 7..”

In accordance with the observation of the Bench a complaint dated 5th October 2006 has been filed with some of the respondents. The grievance of the petitioner is that despite

such complaints no action had been taken thereon. Hence this petition. We are of the opinion that the petitioner has not given enough time to the respondent authorities to consider the action to be taken though serious allegations with wide ramifications have been levelled against the Jet Airways. We accordingly dismiss this petition with liberty to the petitioner to file a fresh petition if no action follows within a reasonable time.

CHIEF JUSTICE

V.M.KANADE, J.